

REMARKS

Entry of the Amendment After Final Rejection, reconsideration of the rejections and allowance of the captioned patent application are respectfully requested. This Amendment cancels four claims and adds two claims, which address a specie that was previously examined and a composition containing the specie. As such it does not add new issues that would require further consideration or search on the part of the Examiner.

Additionally, the amended language contained herein clarifies the issues for possible appeal should this become appropriate. Based upon the foregoing, entry of the amendment is appropriate even if the Examiner does not believe that it places the application in condition for allowance.

Upon entry of this amendment, claims in the case will be claims 27 and 32-41.

The claims have been rejected under 35 U.S.C. § 112. Each of the rejections has been addressed in this amendment.

Claims 27 and 28 were rejected for the addition of new matter. Applicants have amended the definition of R¹ in claim 27. Support for this change is contained in the specification on page 35, line 7-15 and does not constitute the improper addition of new matter. Claim 28 has been cancelled.

Claims 27-37 were rejected for indefiniteness. The allegations raised have been fully addressed in the amendment. Claim 27 has been amended to reconcile the identity of the generic structure.

It is noted that the N-containing heteroaryl group has a total of no more than four heteroatoms (i.e., having 1-4 total heteroatoms). Since the heteroaryl group is termed an "N-containing" heteroaryl, one of ordinary skill would understand this to mean at least one N heteroatom is present, with no more than four heteroatoms being present. Heteroatoms in heteroaryl include O, S and N. Silicon is not mentioned in the application as a possible heteroatom in heteroaryl.

The objection to the phrase "a group consisting of" has been rendered moot with respect to claim 28, since this claim has been cancelled. This applies to dependent claims 29-31 as well. The language of claims 32-35 has been amended to make this correction.

Claim 32 has been amended to add a definition of X and to clarify R⁴ such that the hetero ring is optionally substituted.

Claim 33 has been amended to clarify the description of the hetero aliphatic ring as having at least one nitrogen atom and "optionally 1 or 2 additional heteroatoms".... Support for this language is found in the specification at, for example, page 28, lines 1-7 and page 29, lines 7-11.

Claim 36 was amended to delete the reference to structure I-0.

Claims 29, 30 and 31 were cancelled rendering this rejection moot.

Based upon the foregoing, it is urged that the claims presently before the Examiner are in condition for allowance. Such action is respectfully requested. If the Examiner has any questions concerning the application, or if the Examiner does not agree with Applicants' position, she is respectfully requested to telephone the undersigned before taking any further action.

Respectfully submitted,

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